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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,930	06/19/2003	Norbert Rossello	0160105	6199
53375	7590	12/21/2007		
FARJAMI & FARJAMI LLP			EXAMINER	
26522 LA ALAMEDA AVE.			TOLENTINO, RODERICK	
SUITE 360				
MISSION VIEJO, CA 92691			ART UNIT	PAPER NUMBER
			2134	
			MAIL DATE	DELIVERY MODE
			12/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

m2

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/600,930	ROSSELLO ET AL.	
	Examiner	Art Unit	
	Roderick Tolentino	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 31 October 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2,4-7,9-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-7,9-12,14 and 15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

<ol style="list-style-type: none"> <li>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.</li> </ol>	<ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol>
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**DETAILED ACTION**

1. Claims 1, 2, 4 – 7, 9 – 12, 14 and 15 are pending.

***Response to Arguments***

2. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.
3. Applicant argues on pages 6 – 9, that Wengrovitz in view of Sengodoan fail to disclose, teach or even suggest " and a packet block manager configured to divide said encoded voice packet into a plurality of said voice blocks and provide said plurality of said voice blocks to said encryption unit, said packet block manager further configured to create a remainder voice block including remainder bytes of said encoded voice packet and additional bytes from said encrypted voice block and provide said remainder voice block to said encryption unit." Examiner respectfully disagrees. Wengrovitz fails to teach and a packet block manager configured to divide said encoded voice packet into a plurality of said voice blocks and provide said plurality of said voice blocks to said encryption unit, said packet block manager further configured to create a remainder voice block including remainder bytes of said encoded voice packet and additional bytes from said encrypted voice block and provide said remainder voice block to said encryption unit. However, in an analogous art Sengodan teaches an encryption unit configured to receive a voice block and generate an encrypted voice block, said voice block having a block size, wherein said packet size is not divisible by said block size and yields a remainder (Sengodan, Col. 8 Lines 2 – 21, padding the remainder space

after division of the packet) and a packet block manager configured to divide said encoded voice packet into a plurality of said voice blocks and provide said plurality of said voice blocks to said encryption unit, said packet block manager further configured to create a remainder voice block including remainder bytes of said encoded voice packet and additional bytes from said encrypted voice block and provide said remainder voice block to said encryption unit (Sengodan, Col. 4 Lines 30 – 44, padding used to ensure actual block size). Applicant argues that Sengodan's mini-packets are just smaller packets, however, these mini-packets still make up the original packet also described as the payload on Col. 4 Lines 30 – 33 of Sengodan, This shows that the entire payload was divided. Applicant further argues that the mini-packets are not divided further. According to Col. 8 Lines 1 – 9 of Sengodan, the mini-packets need further padding after the packet. The mathematical encryption done to the packet reduces the size of the packet which is seen to be a division of the packet into a smaller size. Applicant argues that Sengodan's padding bytes are not additional bytes. One of ordinary skill in the art would know that the padding bytes are just additional information used to fill the empty spaces of the packet and could be interpreted to just be additional bytes added.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wengrovitz et al. U.S. PG-Publication No. (2003/0128696) in view of Sengodan et al. U.S. Patent No. (6,918,034).

6. As per claims 1, 6 and 11, Wengrovitz teaches an encoder configured to receive a speech sample and generate an encoded voice packet from said speech sample, said encoded voice packet having a packet size and a plurality of bytes (Wengrovitz, Paragraph 0012), but fails to teach an encryption unit configured to receive a voice block and generate an encrypted voice block, said voice block having a block size, wherein said packet size is not divisible by said block size and yields a remainder and a packet block manager configured to divide said encoded voice packet into a plurality of said voice blocks and provide said plurality of said voice blocks to said encryption unit, said packet block manager further configured to create a remainder voice block including remainder bytes of said encoded voice packet and additional bytes from said encrypted voice block and provide said remainder voice block to said encryption unit. However, in an analogous art Sengodan teaches an encryption unit configured to receive a voice block and generate an encrypted voice block, said voice block having a block size, wherein said packet size is not divisible by said block size and yields a remainder (Sengodan, Col. 8 Lines 2 – 21, padding the remainder space after division of the packet) and a packet block manager configured to divide said encoded voice

packet into a plurality of said voice blocks and provide said plurality of said voice blocks to said encryption unit, said packet block manager further configured to create a remainder voice block including remainder bytes of said encoded voice packet and additional bytes from said encrypted voice block and provide said remainder voice block to said encryption unit (Sengodan, Col. 4 Lines 30 – 44, padding used to ensure actual block size).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Sengodan's method to provide encryption and authentication in a mini-packet with Wengrovitz's secure Voice and data transmissions because it offers the advantage of ensuring proper processing of each packet (Sengodan, Col. 4 Lines 30 – 40).

7. Claims 2, 4, 7, 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wengrovitz et al. U.S. PG-Publication No. (2003/0128696) and Sengodan et al. U.S. Patent No. (6,918,034) and in further view of Maes U.S. Patent No. (6,934,756).

8. As per claims 2, 7 and 12, Wengrovitz fails to teach packet block manager applies a mask to said encrypted voice packet for determining said additional bytes. However, in an analogous art Maes teaches a teach packet block manager applies a mask to said encrypted voice packet for determining said additional bytes (Maes, Col. 21 Lines 54 – 64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Maes' conversational networking via transport coding and control protocols with Wengrovitz's secure Voice and data transmissions because it offers the advantage of padding to hide the payload in a packet (Maes, Col. 21 Lines 54 – 64).

9. As per claims 4, 9 and 14, Wengrovitz fails to teach using encoder G.711. However, in an analogous art Maes teaches using encoder G.711 (Maes, Col. 30 Lines 34 – 38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Maes' conversational networking via transport coding and control protocols with Wengrovitz's secure Voice and data transmissions because it offers the advantage of using standard signal processing method for telephony.

10. Claims 5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wengrovitz et al. U.S. PG-Publication No. (2003/0128696) and Sengodan et al. U.S. Patent No. (6,918,034) and in further view of Luby U.S. PG-Publication No. (2003/0219128).

11. As per claims 5, 10 and 15, Wengrovitz fails to teach encryption unit employs Advanced Encryption Standard encryption. However, in an analogous art Luby teaches encryption unit employs Advanced Encryption Standard encryption (Luby, Paragraph 0053).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Luby's Telephone subscriber unit with Wengrovitz's secure Voice and data transmissions because it offers the advantage of using block cipher encrypting to increase security.

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

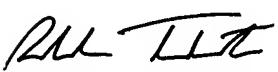
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino  
Examiner  
Art Unit 2134

  
Roderick Tolentino

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
12, 19, 07